

REMARKS

Applicant hereby submits the following remarks in conjunction with the Request for Continued Exam. In this Submission, Applicant has amended claim 12. As such, claims 1-37 remain pending. Applicant requests reconsideration of the pending claims in view of the amendment and the following remarks.

Claim Amendment

Applicant has amended claim 12 to correct a misplaced modifier introduced in a prior amendment. Claim 12 now makes clear it is the input that specifies a particular response attribute and not the computer-user interface generally. The amendment adds no new matter.

Claim Rejections – 35 USC §§ 102 and 103

In the final action of May 25, 2005, the Examiner rejected claims 1-6, 8-9, 12-21, 23-24, 27-32 and 34-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,356,909 to Spencer. This includes all of the pending independent claims 1, 12, 16 and 27. In addition, the Examiner rejected the remaining dependent claims 7, 10-11, 22, 25-26, 33 and 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Spencer in view of other references.

Applicant submits that each of the pending independent claims defines an invention that is patentable over Spencer, and ask for the Examiner's reconsideration. The fact that Applicant distinguishes Spencer should not be taken as an admission that Spencer is properly considered prior art under any sub-section of 35 U.S.C. § 102.

Spencer lacks significant features required by Applicant's claims. For example, each of Applicant's independent claims 1, 12, 16 and 27 requires, among other things, 1) user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, and 2) user input specifying the particular compliance rule of a plurality of pre-defined compliance rules. The significance of this claim language can be appreciated with reference to Applicant's Figure 9A, which shows a plurality of

compliance rules that a user can select - a discard rule, a weighting rule, a processing rule, and a order of precedence rule. As is also shown in Figure 9A, the user is also able to select one of several response attributes to be used with the selected compliance rule. Thus, Applicant's claimed subject matter provides for flexibility in selecting the appropriate compliance rule type of several types and associating that with one of the response attributes.

In the Final Action of May 25, 2005, the Examiner identified, without explanation, Figure 15, column 8, lines 22-38, and column 12, lines 28-39 as disclosing the above-mentioned limitations of Applicant's claims. Figure 15 of Spencer does not show this claimed feature. While Figure 15 shows that the response attribute value "yes" is selected as criteria to be weighted (a compliance rule), Figure 15 does not show user selection of one of several predefined compliance rules to apply to the response attribute, as all of Applicant's independent claims require. Rather, only one compliance rule (a weighting rule) is available for the user. Similarly, while Figure 4 shows user input of a scoring criteria for answers to questions (box 26) and user input of weighting of answers to questions (box 27), and weighting for example is a type of compliance rule, there is nothing in Spencer that shows user input specifying the particular compliance rule of a plurality of pre-defined compliance rules, as all of Applicant's independent claims require.

Accordingly, each of the pending independent claims 1, 12, 16 and 27 defines an invention that is patentable over Spencer, as do the dependent claims. The references cited by the Examiner in rejecting some of the dependent claims also do not provide the missing teachings. As such, Applicant asks that the Examiner withdraw his rejection of claims 1-37 based on Spencer along or in combination with the other references.

Common Ownership of Schulze Reference

Attached to this Submission is recordation information showing common ownership of the Schulze reference, which was only recently recorded on September 19, 2005:

Applicant : David Wong
Serial No. : 10/632,701
Filed : July 31, 2003
Page : 13 of 13

Attorney's Docket No.: 13914-028001 / 2003P00198US


Conclusion

Applicant submits that all pending claims 1-27, as amended, are in condition for allowance, and ask that the Examiner issue a Notice of Allowance.

Enclosed is a \$790 check for the RCE filing fee and a \$1020 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Nov. 23, 2005



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BRIEF: DOCUMENTATION EVIDENCING AN ASSIGNMENT BY THE INVENTOR, AND
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SCHULZE, ARNE

DOC DATE: 09/16/2004

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PATENT NUMBER:

ISSUE DATE:

TITLE: CREATING AND CONDUCTING A REVERSE AUCTION

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MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
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